

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:05CR31**

**UNITED STATES OF AMERICA** )

**VS.** )

**MARTINEOUS LEON HOPPER** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court to schedule a resentencing hearing as a result of the *vacatur* of Defendant's sentence pursuant to the Judgment issued in his motion to vacate set aside and correct sentence filed May 27, 2009. ***See Hopper v. United States, Civil No. 1:08CV442.***

**IT IS, THEREFORE, ORDERED** that this matter is hereby scheduled for resentencing on **MONDAY, JULY 20, 2009, AT 10:30 AM**, at the U.S. Courthouse in Asheville, North Carolina.

**IT IS FURTHER ORDERED** that counsel be appointed to represent the Defendant at resentencing. The Probation Office is requested to prepare a revised presentence report to reflect the correct calculations as set forth in the Court's Memorandum and Order granting Defendant's

motion to vacate, and to file a copy of that report with the Court along with copies to counsel for the Defendant and the Government.

**IT IS FURTHER ORDERED** that the United States Marshal make arrangements to have the Defendant transported from his place of incarceration to the hearing and return him thereto after resentencing. The United States Marshal shall ensure that the Defendant arrives in this District prior to the hearing date in order that he may be afforded adequate opportunity to confer with counsel in preparation for the resentencing hearing.

The Clerk of Court is directed to transmit this Order electronically to the Federal Defenders Office, the United States Attorney, the United States Marshal, the United States Probation Office, and via regular mail to the Defendant.

Signed: May 27, 2009



Lacy H. Thornburg  
United States District Judge

